

Action:
OLL 2439/1-85

Office of Legislative Liaison
Routing Slip

TO:	ACTION	INFO
1. D/OLL		X
2. DD/OLL		X
3. Admin Officer		
4. Liaison		
5. Legislation	X	
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SUSPENSE		<u>24 Oct 85</u> Date

Action Officer:	
Remarks:	
Name/Date	

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LEGISLATIVE LIAISON

85-2689/1

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October 16, 1985

OFFICE OF LEGISLATIVE LIAISON
Central Intelligence Agency
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Dear

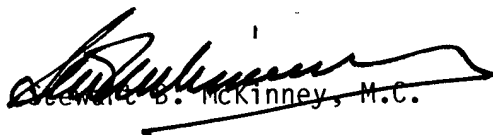
This is to acknowledge the receipt of your correspondence of September 11th regarding H. Res. 173, the legislation I introduced which would accelerate the release of certain records of the former Select Committee on Assassinations.

I have reviewed the amendment you suggested, and thank you for your interest and attention to this matter. I share your concern that the language of the bill be sufficient in safeguarding our national security by prohibiting the release of classified records or material which would disclose confidential intelligence sources. Accordingly, H. Res. 173 explicitly directs the Archivist to use the 'Warren Commission' guidelines, which have been updated in light of the 1974 Amendments to the Freedom of Information Act, and duplicate exactly the intent of your proposed amendment. I have enclosed a copy of Guidelines for Review of Materials Submitted to the President's Commission on the Assassination of President Kennedy for your review.

These guidelines have been responsibly utilized for over twenty years by professionals at the National Archives, in consultation with the relevant executive agencies. Because of the careful screening of documents before release, there has never been a compromise of our national security interests. In fact, I believe that this record demonstrates that the release of the Select Committee's material only can enhance the public's understanding and appreciation of our national intelligence capabilities, without placing these capabilities in jeopardy.

Finally, I have submitted your proposed amendment for legal analysis by the House of Representatives' Legislative Counsel, and soon expect to have confirmation of the duplicative nature of your provisions. As you know, the Committee on House Administration has not scheduled any action on H. Res. 173 during this session, but be assured that I will forward any further information I gain that may be of interest to you.

Sincerely,


Stewart B. McKinney, M.C.

SBM:km
Enclosure

Guidelines

Note: Revised Guidelines are set forth below. No language has been deleted. Additional language is underscored.

GUIDELINES FOR REVIEW OF MATERIALS SUBMITTED TO
THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF
PRESIDENT KENNEDY
(as reviewed and revised in light of 1974 Amendments to
Freedom of Information Act)

1. Statutory requirements prohibiting disclosure should be observed.
2. Security classifications should be respected, but the agency responsible for the classification should carefully re-evaluate the contents of each classified document and determine whether the classification can, consistently with the national security, be eliminated or downgraded. See Attorney General's Memorandum on 1974 Amendments, pp. 1-4.
3. Unclassified material which has not already been disclosed in another form should be made available to the public on a regular basis or upon request under the Freedom of Information Act unless such material is exempt under the Act and its disclosure --
 - (A) Would be detrimental to the administration and enforcement of the laws and regulations of the United States and its agencies;

- (B) Might reveal the identity of confidential sources of information and impede or jeopardize future investigations by precluding or limiting the use of the same or similar sources hereafter;
- (C) Would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the assassination of the President.

Whenever one of the above reasons for nondisclosure may apply, your department should, in determining whether or not to authorize disclosure, weigh that reason against the overriding policy of the Executive Branch favoring the fullest possible disclosure:

Unless sooner released to the public, classified and unclassified material which is not now made available to the public shall, as a minimum, be reviewed by the agency concerned five years and ten years after the initial examination has been completed, and in addition must be

reviewed whenever necessary to the prompt and proper processing of a Freedom of Information request. The criteria applied in the initial examination, outlined above, should be applied to determine whether changed circumstances will permit further disclosure. Similar reviews should be undertaken at ten-year intervals until all materials are opened for legitimate research purposes. The Archivist of the United States will arrange for such review at the appropriate time. Whenever possible provision should be made for the automatic declassification of classified material which cannot be declassified at this time.